

Edward A. Keane\*  
Garth S. Wolfson\*

\_\_\_\_\_  
Of Counsel  
Stephen J. Murray+

\*Also admitted in NJ  
+Also admitted in CT

## MAHONEY & KEANE, LLP

*Attorneys at Law*  
*61 Broadway, Suite 905*  
*New York, New York 10006*  
*Telephone (212) 385-1422*  
*Facsimile (212) 385-1605*  
[ekeane@mahoneykeane.com](mailto:ekeane@mahoneykeane.com)

Connecticut Office

\_\_\_\_\_  
14 Pilgrim Lane  
Weston, CT 06883  
Tel: (203) 222-1019  
Fax: (203) 222-0252

February 11, 2019

### **VIA ECF AND VIA E-MAIL**

Hon. Andrew L. Carter, Jr.  
United State District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 435  
New York, New York 10007  
[ALCarterNYSDChambers@nysd.uscourts.gov](mailto:ALCarterNYSDChambers@nysd.uscourts.gov)

Re: **Case No. 16 Civ. 00861 (ALC) (HBP)**  
Commodities & Minerals Enterprises Ltd. v.  
CVG Ferrominera Orinoco, C.A.  
**Our File No. 12/4445**

Honorable Sir,

We are the local attorneys for Defendant CVG FERROMINERA ORINOCO, C.A. ("FMO"), in the above-referenced action, wherein, on February 4, 2019 the Court issued an Order to Show Cause ("OSC") why the plaintiff's pending motion to lift the stay and turn over attached funds should not be deemed unopposed. We write to inform the Court of the situation which has of this date changed significantly from what had been the case and to request a two-week adjournment of the February 12, 2019 return date, or until February 26, 2019, to respond to the OSC. This is the first request for an extension. And we have contacted our adversary for their consent but have yet to receive a response.

For some time now, we have sought through the FMO Venezuelan counsel which retained our services instructions concerning a response to the plaintiff's motion as well as other matters. However, despite our repeated requests, we had not received authority to interpose any opposition to plaintiff's application and instead have been specifically told to take no action until instructions could be received from the client. Such instructions were not forthcoming from FMO.

We are only today now advised that there has very recently been a change in the Defendant's General Counsel and otherwise in the company at high levels. The new General Counsel has now responded that she is only beginning to become current with the many issues at CVG Ferrominera Orinoco, C.A. including the present matter. However, the General Counsel has asked our retaining Venezuelan counsel to respectfully request a two week adjournment of the present motion to allow her time to fully familiarize herself with the situation and then take appropriate steps to determine the course going forward for the defendant. Accordingly, we respectfully request that two-week adjournment of all dates on the present motion in order to allow new General Counsel time to address the instant matter and then direct counsel as to the action is seeks to see taken.

We thank the Court for its consideration.

Respectfully submitted,

MAHONEY & KEANE, LLP

By: s/ Edward A. Keane  
Edward A. Keane

cc (via ECF): All Counsel.